

REMARKS

Rejections

Rejections under 35 U.S.C. § 102

Claims 2-7, 9-13, and 20-24

Claims 2-7, 9-13, and 20-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carter (U.S. Pat. No. 5,926,798). Applicants respectfully submit that Carter does not anticipate Applicants' invention as claimed in claims 2-7, 9-13, and 20-24 because Carter does not disclose each and every element of Applicants' claims.

Applicants respectfully maintain that the Examiner has not properly considered all limitations associated with the "transaction device" as recited in independent claims 6, 13, and 24. Applicants claim the use of a transaction device that *does not reveal the user's identity*. The Examiner states that Applicants describe a VISA credit card as an example of a transaction device. But the use of such a credit card is known to reveal a user's identity, in contrast with Applicants' claim language. Furthermore, Applicants respectfully submit that the Examiner cannot read limitations from the specification into a claim when the limitations are not recited in the claim. (MPEP 2106, p. 2100-9). In contrast to a common credit card, an example of the claimed transaction device is the personal transaction device as described in paragraph 0051 of the specification.

Carter discloses using a credit card to complete a transaction. Carter does not disclose or suggest that the credit card is a transaction device that does not reveal the user's identity. Furthermore, there is no other disclosure in Carter that discloses or suggests a transaction device that does not reveal the user's identity. Therefore, Carter cannot be properly interpreted as disclosing a "transaction device" as claimed in claims 2-7, 9-13, and 20-24. Accordingly, Applicants respectfully submit that the invention as claimed in claims 2-7, 9-13, and 20-24 is not anticipated by Carter under 35 U.S.C. § 102(b), and respectfully request the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 2-7, 9-13, and 20-24

Claims 2-7, 9-13, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Carter in view of Tryllian ("Tryllian Mobile Agents: Going beyond the Web"). Applicants

respectfully submit that the combination of Carter and Tryllian does not support a *prima facie* case of obviousness because the combination does not disclose or suggest each and every limitation of Applicants' invention as claimed in claims 2-7, 9-13, and 20-24. Specifically, as discussed above, Carter does not disclose or suggest each and every element of independent claims 6, 13, and 24.

Tryllian does not disclose or suggest using a transaction device to authorize an intelligent agent to purchase a product without the transaction device revealing the user's identity as recited in independent claims 6, 13, and 24. As stated in Applicant's July 2, 2004 response, Tryllian discloses concealing a party's identity based on the lack of consent by the party, not based on a transaction device that preserves the identity, as claimed. Furthermore, since the Examiner did not rebut this argument, Applicant respectfully submits that the Examiner has acquiesced to Applicants' argument.

Therefore, the combination of Carter and Tryllian cannot be properly interpreted as disclosing the claimed element and cannot render obvious Applicants' invention as claimed in independent claims 6, 13, and 24 and the claims depending from them (2-5, 7, 9-12, and 20-23). Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claims 2-7, 9-13, and 20-24 under 35 U.S.C. § 103(a).

SUMMARY

Claims 2-7, 9-13, and 20-24 are currently pending. In view of the foregoing remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

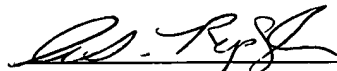
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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